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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/817,025

04/02/2004

Joseph T. Donatti

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2782

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01/10/2008

BROOKS KUSHMAN P.C.  
INTL. AUTOMOTIVE COMPONENTS GROUP  
1000 TOWN CENTER  
TWENTY-SECOND FLOOR  
SOUTHFIELD, MI 48075

EXAMINER

GANEY, STEVEN J

ART UNIT

PAPER NUMBER

3752

MAIL DATE

DELIVERY MODE

01/10/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/817,025

Applicant(s)

DONATTI ET AL.

Examiner

Steven J. Ganey

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-18 is/are pending in the application.
- 4a) Of the above claim(s) 11-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Receipt is acknowledged of the amendment filed on October 17, 2007, which has been fully considered in this action.

#### *Election/Restrictions*

2. Claims 11-18, Group II, are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on April 24, 2007.

3. Applicant's election without traverse of claims 1-10, Group I, in the reply filed on April 24, 2007 is acknowledged. Currently, claims 1 and 3-10 are under prosecution since claim 2 was canceled in the response filed October 17, 2007.

#### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1, 3, 4, 6-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider '732 in view of Tachi et al.

Schneider '732 discloses all the featured elements of the instant invention, note specifically hydraulically operated piston/valve 52/54, see Figure 1; mix head 10; reservoir 40;

and nozzle 18 except for the polyurethane constituents further including a pigmented polyol and recirculating circuit for the pigmented polyol. Tachi et al discloses mixing a polyol, isocyanate and colored polyol to form a polyurethane skin. As to adding the colored polyol and a separate recirculating line for the colored polyol, note the apparatus of Schneider '732 discloses that the mixing head is for mixing and dispensing two or more liquids and includes a mixing chamber with two or more inlets for the separate components. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a pigmented polyol in the apparatus of Schneider '732, as taught by Tachi et al, since such a modification would be advantageous to provide a desired color in the polyurethane that is used to spray form the exterior of the article of manufacture. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide an additional recirculating line for the colored polyol, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. Also, since Schneider '732 discloses that two or more liquids and inlets can be included and since the two liquids and inlets are provided with recirculating lines, it would be obvious to one of ordinary skill in the art that any additional liquids and inlets provided would also require a recirculation line.

With respect to applicant's statements of intended use, i.e. to spray the polyurethane on a mold to form a polyurethane skin, the device of Schneider '732, as modified by Tachi et al, is capable of performing applicant's intended use.

6. Claim 1, 3, 5-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keuerleber et al in view of Tachi et al.

Keuerleber et al discloses all the featured elements of the instant invention, note specifically hydraulically operated piston/valve 11 with grooves 14 and seal 18, see Figure 1; mix head 7; reservoir 1g/1h; recirculating circuits 15/16; a nozzle at 6, and the teaching of providing a third inlet port 9 into the mixing head for mixing in a third component, see col. 6, lines 58-63, except for the polyurethane constituents further including a pigmented polyol. Tachi et al discloses mixing a polyol, isocyanate and colored polyol to form a polyurethane skin. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a pigmented polyol in the apparatus of Keuerleber et al, as taught by Tachi et al, since such a modification would be advantageous to provide a desired color in the polyurethane that is formed. Also, since Keuerleber et al discloses that three liquids and three inlets can be included and since the two liquids and inlets are provided with recirculating lines, it would be obvious to one of ordinary skill in the art that any additional liquids and inlets provided would also require a recirculation line.

With respect to applicant's statements of intended use, i.e. to spray the polyurethane on a mold to form a polyurethane skin, the device of Keuerleber et al, as modified by Tachi et al, is capable of performing applicant's intended use.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider '732 in view of Tachi et al as applied to claim 1 above, and further in view of Swirlein.

Schneider '732, as modified by Tachi et al, discloses all the featured elements of the instant invention except for the nozzle assembly having a static helical mixing vane. Swirlein discloses a polyurethane generating apparatus with a nozzle assembly 154 including a static helical mixing vane 162. It would have been obvious to one having ordinary skill in the art at

the time the invention was made to provide a static helical mixing vane in the nozzle of Schneider '732, as modified by Tachi et al, as taught by Swirlein, since such a modification would facilitate the mixing of the polyurethane constituents.

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1 and 3-10 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven J. Ganey whose telephone number is 571-272-4899. The examiner can normally be reached on 9:00-5:00; Monday-Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

sjg  
1/3/08

  
STEVEN J. GANEY  
PRIMARY EXAMINER  
1/3/08